

**BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COLUMBIA, SOUTH CAROLINA**

**HEARING #19-11756**

**FEBRUARY 14, 2019**

**2:00 P.M.**

**2017-370-E:**

**SOUTH CAROLINA ELECTRIC & GAS COMPANY AND DOMINION ENERGY, INCORPORATED** — Joint Application and Petition for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

Request by Commissioner Williams in Order No. 2019-100 for Briefing by the Office of Regulatory Staff Regarding: COMMISSION ORDER No. 2019-100 AND CUSTOMER EDUCATION PLAN IN ORDER No. 2018-804

**ALLOWABLE EX PARTE  
BRIEFING**

**COMMISSION MEMBERS PRESENT:** Comer H. 'Randy' RANDALL, *Chairman*; and COMMISSIONERS John E. 'Butch' HOWARD, Thomas J. 'Tom' ERVIN, Swain E. WHITFIELD, and Justin T. WILLIAMS

**ADVISOR TO COMMISSION:** Joseph Melchers, Esq.  
GENERAL COUNSEL

**STAFF:** Jocelyn Boyd, Chief Clerk/Administrator; Josh Minges, Esq., and B. Randall Dong, Esq., Legal Advisory Staff; Jerisha Dukes, Esq., Commissioners' Staff; Douglas K. Pratt, William O. Richardson, Norman Scarborough, and John Powers, Technical Advisory Staff; Randy Erskine, Information Technology Staff; Patricia Stephens, Project Management Staff; Afton Ellison and Rob Bockman, Clerk's Staff; Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter

**APPEARANCES:**

**JEFFREY M. NELSON, ESQUIRE**, together with **DAWN M. HIPP** [*Chief Operating Officer/ORS*], appearing on behalf of the SOUTH CAROLINA OFFICE OF REGULATORY STAFF

**JOHN M. REAGLE, ESQUIRE**, neutral designee serving in the stead of the Executive Director of THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF

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Note: For identification of any additional referenced materials and/or links for same, please see correspondence to be filed by the neutral designee, Mr. John Reagle, Esq.

Please note the following inclusions/attachments to the record:

- SCE&G's Response to ORS' Audit Information Request referenced during these proceedings

P R O C E E D I N G S

**CHAIRMAN RANDALL:** Please be seated. Okay.

We want to welcome everyone to this afternoon's ex parte briefing. I'm going to ask Mr. Melchers to read the docket.

**MR. MELCHERS:** Thank you, Mr. Chairman.

Commissioners, we're here pursuant to a Notice of Request for Allowable Ex Parte Briefing. The request was by Commissioner Williams in Order No. 2019-100, requesting a briefing by the Office of Regulatory Staff. It's been scheduled for today, February 14th, at 2 p.m., here in the Commission hearing room.

And the subject matter to be discussed at the briefing today is: Commission Order No. 2019-100 and Customer Education Plan in Order No. 2018-804 in Commission Docket No. 2017-370-E.

Thank you, Mr. Chairman.

**CHAIRMAN RANDALL:** Thank you.

Our neutral representative today is Mr. John Reagle, and we'll ask you to step up to this microphone [indicating], I think is the closest place, and just make sure it's on. Thank you for being here today.

**MR. REAGLE:** Thank you, Chairman Randall. I

1 have a – is this – I’m not sure if it’s on.

2 **CHAIRMAN RANDALL:** Press it and you should  
3 have that red – the red light should be on.

4 **MR. REAGLE:** There it goes.

5 **CHAIRMAN RANDALL:** There you go.

6 **MR. REAGLE:** Good afternoon. My name is John  
7 Reagle. I’m an attorney serving as designated  
8 neutral under South Carolina Code 58-3-260(C).  
9 I’ve been selected to serve as the designee to  
10 certify that today’s allowable ex parte briefing  
11 takes place in accordance with South Carolina Code  
12 58-3-260(C).

13 That statute sets forth certain parameters and  
14 rules under which this briefing must take place.  
15 I’m going to go over a few of those conditions at  
16 this time.

17 Commissioner Williams requested this allowable  
18 ex parte briefing pursuant to South Carolina Code  
19 58-3-260(C). This presentation is limited solely  
20 to the information that Commissioner Williams  
21 listed as the subject matter to be discussed. I,  
22 therefore, ask that anyone here please refrain from  
23 discussing any matters not related to Commission  
24 Order No. 2019-100 and the Consumer Education Plan  
25 in Commission Order 2018-804.



1                   Secondly, the statute prohibits any  
2                   participants, Commissioners, or Commission Staff  
3                   from requesting or giving any commitment,  
4                   predetermination, or prediction regarding an action  
5                   by any Commissioner as to any ultimate or  
6                   penultimate issue which either is or is likely to  
7                   come before the Commission.

8                   Next, in order to certify this allowable ex  
9                   parte briefing, material corresponding to today's  
10                  proceeding will be posted on the Commission's  
11                  website. Any document referenced or utilized today  
12                  should be included with that posting. I'd like to  
13                  ask the participants, Commissioners, and Staff to  
14                  refrain from referencing any reports, articles, or  
15                  statutes, or documents of any kind that are not  
16                  included in the allowable ex parte briefing  
17                  materials, to prevent the need to try to track down  
18                  copies and links to such documents for inclusion in  
19                  the briefing record.

20                  As a final note to all those present today,  
21                  please make sure to read, sign, and return the form  
22                  at the back of the room that you were given when  
23                  you came in today. This form needs to be signed by  
24                  each attendee to certify the requirements contained  
25                  in the statute have been complied at the briefing

1           today.

2           Thank you for your time. Mr. Chairman, this  
3 concludes my opening remarks.

4           **CHAIRMAN RANDALL:** Thank you, Mr. Reagle.

5           Okay, Mr. Nelson, I believe we turn it over to  
6 you.

7           **MR. NELSON:** Thank you, Mr. Chairman. I  
8 appreciate it.

9           **CHAIRMAN RANDALL:** Thank you.

10          **MR. NELSON:** I really wasn't planning on  
11 sitting up here, but there are two chairs so I  
12 thought I probably should sit up here.

13          **CHAIRMAN RANDALL:** It gives it a little  
14 balance.

15          **MR. NELSON:** It does. All I'm going to do is  
16 an introduction, so, it's already been said twice,  
17 but we're obviously here at the request of  
18 Commissioner Williams and the Directive that was  
19 issued by this Commission. And we are here to  
20 discuss Commission Order No. 2019-100 and the  
21 Customer Education Plan of SCE&G and Dominion.

22          Without any further introduction, I'm going to  
23 present Ms. Dawn Hipp, who is our chief operating  
24 officer. She will make our presentation. Thank  
25 you.

1                   **CHAIRMAN RANDALL:** Thank you.

2                   Ms. Hipp, welcome.

3                   **MS. DAWN M. HIPP [ORS]:** Good afternoon, and  
4 happy Valentine's Day. I appreciate being here  
5 with you today.

6                   **CHAIRMAN RANDALL:** You've got your red on, so  
7 you're doing well.

8                   **MS. DAWN M. HIPP [ORS]:** I do. And we're  
9 coordinating [indicating] so it makes sense –

10                  **CHAIRMAN RANDALL:** That's good.

11                  **MS. DAWN M. HIPP [ORS]:** – that we would be up  
12 here.

13                  But I appreciate the opportunity to sit down  
14 with you today and share ORS's activities related  
15 to the Customer Education Plan as filed by the  
16 company. I think it might be helpful to ground our  
17 knowledge in what is the Customer Education Plan,  
18 the program, and why was it filed. And so I  
19 thought I would take a few minutes just to run  
20 through that, and then we'll move quickly into  
21 ORS's activities related to the Customer Education  
22 Program, and then I'll open it for questions. I  
23 think you might have some questions, and I'll be  
24 glad to provide any information that we can, based  
25 on our activities under the Customer Education

1 Program.

2 So, if that suits you, we'll just do a little  
3 grounding to begin with. And so, as we know and  
4 have lived through three weeks of hearings and a  
5 year of preparation, when we came to the table, the  
6 company had offered, finally, three different  
7 options for the Commission to consider. And in  
8 those options, the first one that was presented to  
9 the Commission in the Application included a one-  
10 time, upfront cash refund or rebate of \$1000.  
11 Along with that offer by the company came along  
12 advertising, an extensive advertising campaign  
13 leading up to and through the hearing. As the  
14 hearing evolved, the company brought forward two  
15 alternate plans: Plan B and Plan B-Levelized.  
16 Neither of those had any advertising, or had  
17 limited advertising in the media about the contents  
18 of those plans. Neither one of those plans  
19 contained an upfront refund or rebate available to  
20 the customer.

21 Ultimately, the Commission issued its order.  
22 It issued its order and, prior to that, it had a  
23 discussion with the Dominion witnesses, talking  
24 about potentially the confusion that might occur,  
25 should the Commission choose a plan that did not

1 contain the upfront refund. And in that discussion  
2 with the company witnesses, it was made clear by  
3 the company witnesses a commitment to own whatever  
4 plan the Commission had selected, and they would  
5 advertise related to that and talk about the  
6 benefits to their customer.

7 So it was on that commitment, then, that the  
8 Commission conditioned its Order in 2018-804,  
9 -804(A), to include a merger condition. And that  
10 merger condition required the company to, within 30  
11 days of the merger and in consultation with our  
12 office, to provide a Customer Education Plan that  
13 talks about the benefits and implementation of any  
14 merger benefit plan approved by the Commission and  
15 that such program should be filed with the  
16 Commission prior to its implementation.

17 On January 2nd, as you're aware, the company  
18 filed its Customer Education Program with the  
19 Commission and then subsequently issued two press  
20 releases highlighting the portions of the Customer  
21 Education Plan provided to the Commission. Their  
22 advertising, then, switched to something that's  
23 known as branding, which was an introduction of the  
24 company to South Carolina and the components of the  
25 merger.

1           So how does that intersect with ORS's  
2           activities? Well, the Commission was clear in its  
3           merger condition that the Customer Education  
4           Program needed to be done in consultation with ORS.  
5           And so I think it might be helpful to understand  
6           ORS's role with how we interact with customers.  
7           For the new Commissioners, it would be helpful to  
8           know that we do have a Consumer Services team.  
9           They're a small team, but they are mighty. Don't  
10          underestimate them. There's three investigators on  
11          that team and a supervisor. And during the course  
12          of a fiscal year, they average taking about 13,000  
13          calls from customers of utilities, customers of  
14          municipalities, and they kind of sift through that;  
15          and in the end, they'll investigate roughly 3000  
16          complaints that require investigation.

17          So we're available to customers of the  
18          utility. We've got a team staffed specifically to  
19          take their calls, answer their questions, and  
20          investigate their complaints.

21          After the merger closed, and actually prior to  
22          that, in 2018, our Customer Service team fielded  
23          calls from SCE&G customers who did have questions  
24          about the merger. Specific to the customer – the  
25          offer of the \$1000 upfront cash rebate or refund,

1 we received seven contacts in 2018 related to that  
2 issue. Those contacts that we received from  
3 customers were about how the calculation would be  
4 made, how they could be eligible – you know, if  
5 they lived in a home at a certain point, would they  
6 be eligible for the upfront refund or rebate. How  
7 the experimental rate and the impact that would  
8 have, when it was incorporated, how did that impact  
9 the cash refund. And the timing of the  
10 refund: When would it be given back. So we had a  
11 total of seven calls that were centralized on the  
12 refund or rebate component of the customer benefit  
13 plan.

14 Then, turning to 2019, after the merger had  
15 closed, we have received, to date, five contacts  
16 related to the rebate component, the upfront cash  
17 refund. And what we hear from customers is that  
18 they desired the refund instead of the lower rate.  
19 Those five contacts, within those five contacts,  
20 one was moving and wanted a refund instead of a  
21 lower rate over time. And then we had several  
22 customers who were just angry. They were just  
23 angry about not receiving a refund.

24 So based on the number of calls that we have  
25 received, 12 in total, that is what we had heard

1 from customers in 2018 and in 2019.

2 After the directive was issued on the 14th, we  
3 met with the company on the 20th to discuss the  
4 Customer Education Program requirement, in  
5 anticipation of the Commission's Order. We  
6 reviewed a draft of that program, we discussed it  
7 with the company, and we ultimately gave the  
8 company some feedback on what its draft proposal  
9 contained.

10 The feedback that we provided the company –  
11 just to give you a little summary of the type of  
12 feedback that ORS provided – one was we checked  
13 what we anticipated being the merger condition at  
14 that time on the draft. We checked the compliance  
15 with that merger condition, to make sure that the  
16 plan addressed the issues that the Commission had  
17 specifically identified to be included.

18 We also suggested to the company or provided  
19 feedback to the company that it include its  
20 intention to change the name of the company in its  
21 Customer Education Program that it ends up  
22 submitting. We removed reference to the other out-  
23 of-Commission-jurisdiction settlements that were  
24 going on, because those weren't part of the  
25 Commission's jurisdiction, so we suggested some



1 feedback to remove that. There just were some  
2 general errors that we corrected – date errors and  
3 that type of thing.

4 We modified – we suggested some modifications  
5 to the Customer Education Program to remove things  
6 that weren't customer-facing. This was about the  
7 customer and so the detail should be related to  
8 that. We suggested some clarifying information to  
9 help customers: the information about what the  
10 impact on the bill would be, to clarify that piece.

11 And there were some stale data points back to  
12 2017 that we suggested be refreshed. We removed  
13 any statements that the company had attributed to  
14 ORS from – you know, that was one of our suggested  
15 feedback. And we helped provide some feedback on  
16 refining the Frequently Asked Questions that the  
17 company ultimately has posted on its website.

18 The company's incorporated the majority of  
19 ORS's feedback into their Customer Education  
20 Program, as filed with the Commission.

21 After the directive came out that brings us  
22 here today, we did meet with the company. We sat  
23 down and talked with how best to provide the  
24 information or provide some context and updates to  
25 the Customer Education Program to the Commission,

1 and in return we received a commitment from the  
2 company to provide an ex parte to you, to be  
3 scheduled at a later time, I understand.

4 We also issued the company an Information  
5 Request in an effort to get information to provide  
6 – to see what kind of updates would be offered by  
7 the company to its plan, how much the company had  
8 spent over time on its plan, and those types of  
9 things. We did receive responses to those late  
10 yesterday, and we're in the process of reviewing  
11 the company's responses.

12 So with that said, I will – that kind of  
13 concludes what ORS's activities are today. Of  
14 course, we're here today to answer any questions  
15 you might have and provide any other details that  
16 might be helpful to you. And with that, I'll just  
17 turn it over for questions.

18 **CHAIRMAN RANDALL:** Thank you, Ms. Hipp.  
19 Commissioners, questions.

20 **COMMISSIONER HOWARD:** Mr. Chairman.

21 **CHAIRMAN RANDALL:** Yes, sir. Commissioner  
22 Howard.

23 **COMMISSIONER HOWARD:** Ms. Hipp, I've got a  
24 couple of questions.

25 **MS. DAWN M. HIPP [ORS]:** Certainly.

1                   **COMMISSIONER HOWARD:** Just the conversation  
2                   that I have on the street, you're saying you only  
3                   had 12 contacts on the \$1000?

4                   **MS. DAWN M. HIPP [ORS]:** Yes, sir.

5                   **COMMISSIONER HOWARD:** And that – was that e-  
6                   mail or telephone calls or a combination of both?

7                   **MS. DAWN M. HIPP [ORS]:** Those were a  
8                   combination of both. We record both e-mail and  
9                   telephone contacts in our database.

10                  **COMMISSIONER HOWARD:** The advertising dollars  
11                  spent for the \$1000 promotion, so to speak, and  
12                  subsequent advertising, will that be allowed in  
13                  rates?

14                  **MS. DAWN M. HIPP [ORS]:** It will not. It is  
15                  our position that that should not be allowed in  
16                  rates. The company clarified during the hearing  
17                  process that those would be part of the transition,  
18                  transaction, and integration costs related to the  
19                  merger, and those would be excluded.

20                  **COMMISSIONER HOWARD:** Thank you.

21                  **MS. DAWN M. HIPP [ORS]:** You're welcome.

22                  **CHAIRMAN RANDALL:** Thank you.

23                  Commissioner Williams.

24                  **COMMISSIONER WILLIAMS:** Thank you, Mr.  
25                  Chairman.

1 Ms. Hipp, thank you so much for being here  
2 today.

3 MS. DAWN M. HIPP [ORS]: Certainly.

4 COMMISSIONER WILLIAMS: You know – you know  
5 this probably better than I do – the Commission  
6 doesn't have the power to order anyone to appear  
7 before the Commission, and you all appeared at our  
8 request, and I thank you for that, because we need  
9 ORS's help, in my opinion. We need your help to  
10 restore the public trust. And from where I sit,  
11 this is what all of this is about, doing what we  
12 can to restore the public trust. And I believe  
13 transparency and accountability are two big factors  
14 to aid us in that effort.

15 With that being said, my question is: How  
16 effective do you think the Customer Benefit Plan,  
17 as applied up to this point, how effective has it  
18 been to educate customers as to what happened? Or,  
19 the Customer Education Plan. I'm sorry.

20 MS. DAWN M. HIPP [ORS]: Well, I think the  
21 Customer Education Plan, as filed by the company  
22 with the Commission, you know, set out 100 days of  
23 activities. And that really is best addressed by  
24 the company. They're measuring key metrics on  
25 whether or not the program is effective. But the

1 100-day scenario that they have laid out and the  
2 different activities, while it lacks specificity as  
3 to what type of advertising, the exact standards  
4 and things, I think that, you know, it is – they're  
5 making their name known. And that was the  
6 intention of that piece. They are – the documents  
7 that we have reviewed, that I believe also have  
8 been filed by the Commission as part of the  
9 education plan, you know, clearly show that they're  
10 focused on communicating the benefits.

11 **COMMISSIONER WILLIAMS:** So, what position does  
12 ORS take – and I understand that you're not the  
13 company. ORS is not the company, I get that piece.  
14 But as a Commission, we don't have the power to  
15 investigate, we don't have the power to audit; we  
16 have to rely on ORS. And Commissioner Howard made  
17 reference to having conversation on the street.  
18 You know, we all go to church, or we all go to  
19 family reunions. We're in the community; we're  
20 public figures. And it just seems sort of hard to  
21 believe that, based on the outcry, if you will,  
22 regarding this rebate not being given, that only 12  
23 calls were made.

24 And I say that on one hand, but on the other  
25 hand, I understand. As a former prosecutor, former

1 defense lawyer, workers' compensation lawyer, I  
2 have interfaced with people who have what I like to  
3 call a Moses Effect. They have a lot of problems,  
4 but they expect someone else to fix it. A leader.  
5 The government. Right? And sometimes they don't  
6 take the steps that Mr. Harvell took last week, to  
7 file for an allowable ex parte hearing.

8 And so, while you have only received – or ORS  
9 – only received 12 calls, I would think that there  
10 are many more people who are concerned about what  
11 happened here. And my concern is that it doesn't  
12 seem – I've reviewed the Customer Education Plan –  
13 it doesn't really seem to get to the heart of why  
14 those customers are not receiving the rebate. It  
15 almost has the appearance – if I were just to step  
16 outside, as an outside observer – it almost has the  
17 appearance that the company promised \$1000 if the  
18 merger went through. The merger went through; they  
19 didn't promise<sub>[sic]</sub> the \$1000, and the customers are  
20 left holding the bag.

21 It almost has the appearance that we helped  
22 them do that. That's the way it sort of comes  
23 across. And that's concerning to me, because no  
24 one – ORS nor the Commission offered to pay anyone  
25 \$1000. The company did. We made a decision based

1 on the information that was presented to us during  
2 the hearing. It seems a bit irresponsible to make  
3 such an offer and not have a plan, a turnkey plan  
4 to fully educate customers as to what happened  
5 after the merger closed. And I'm just – I'm  
6 bothered by it. I'm concerned by it. I'm  
7 wondering whether or not ORS shares that same level  
8 of concern.

9 MS. DAWN M. HIPPIE [ORS]: I can't dispute that.  
10 I mean, it does – you know, what had happened is  
11 Dominion Energy, which is an unregulated entity,  
12 provided an advertising campaign about merger  
13 benefits that may or may not be realized. And that  
14 triggered confusion. So I don't disagree with you  
15 that that confusion exists.

16 From our perspective, or my perspective,  
17 without a marketing background – I'm sure a  
18 marketing person could really dig into this and it  
19 would be an interesting case study, but that's not  
20 what we're here to talk about. From ORS's  
21 perspective, the plan, as proposed by the company  
22 or provided to the Commission from the company, met  
23 the requirements that were in the merger. And so  
24 we, of course, didn't object to that filing being  
25 made.

1 With that said, does it heavily focus on  
2 explaining the \$1000? It does not. And that  
3 admittedly causes, you know, concern amongst folks.  
4 However, we have not, as an agency, had those  
5 contacts.

6 **COMMISSIONER WILLIAMS:** What could be done?  
7 Is there anything that could be done, to try to  
8 ease the frustration, confusion, anger, if you  
9 will? Because you're right. I've reviewed the  
10 Customer Education Plan, and it is light, at best,  
11 on explaining the \$1000 rebate.

12 Now, I get it. Because I was here for three  
13 weeks, and even before that, studying up on all  
14 this, I understand. And I think all the  
15 Commissioners – everyone who's been involved in  
16 this understands what happened, what happened. But  
17 that \$1000 promise if the merger closed did not  
18 fully flesh out all the details that were going  
19 into the decision that we made, and it sounds like  
20 you're telling me that there's really nothing –  
21 like, essentially, that could happen again. An  
22 unregulated entity could come in our State and make  
23 a promise that goes unfulfilled, and there's  
24 essentially nothing we can do about it.

25 **MS. DAWN M. HIPP [ORS]:** And you wouldn't be



1 the first jurisdiction related to utility rates  
2 where that has happened to, so – it has happened in  
3 other jurisdictions. You know, what can be done  
4 about it? My thought is that, at this point, there  
5 are some customers who any amount of education  
6 still is not going to satisfy them. The \$1000  
7 credit or cash – upfront cash rebate is not coming.  
8 And so, we could provide – not “we,” but the  
9 company could provide additional education  
10 opportunities, and it still wouldn’t satisfy and  
11 mitigate that fact, you know.

12 **COMMISSIONER WILLIAMS:** I understand. I agree  
13 with that. Let me ask you this. In making  
14 suggestions to the company – I’ve seen the  
15 proposal, but I haven’t seen what, I guess, the  
16 presentation would look like. If they were to go  
17 into a community and make a presentation at like a  
18 town hall, you know, “Here’s our Customer Education  
19 Program,” if you will, will ORS play any role in  
20 fact-checking whatever program they plan to roll  
21 out? Say, if they have a PowerPoint that includes  
22 certain numbers or cost savings, what have you?  
23 How will we know those numbers are verified?

24 **MS. DAWN M. HIPP [ORS]:** That is not part of  
25 our normal duties with the utility. Now, what we

1 would do, under Subarticle 4, is check the  
2 documents that the Commission regulations, you  
3 know, require certain information to be on, such as  
4 the bill form. But it doesn't include a company's  
5 presentation to, you know, its customers or to  
6 constituents or economic development groups, things  
7 like that.

8 We do have experience where – and we'll  
9 provide technical assistance to smaller utilities  
10 where they will ask us to look at something, just  
11 to make sure that it's not contrary to any  
12 regulation, and we'll provide that as a service to  
13 them. We're not their attorneys; we can't provide  
14 them legal advice. But we do have some experience  
15 under the regulations to make sure that they avoid  
16 some of those pitfalls, so we do try to provide  
17 that to them.

18 You know, the company – I think if the  
19 Commission were to ask the company to provide some  
20 of the mockups or some of their stock  
21 presentations, that, you know, the company would be  
22 amenable to that. I don't have those items to  
23 provide to you. We certainly have not seen  
24 anything out in the world through, you know, their  
25 digital media campaign or heard from customers or

1 community groups that they've met with, that there  
2 is anything in the presentation that causes concern  
3 or is inaccurate or in conflict with the merger, as  
4 closed.

5 **COMMISSIONER WILLIAMS:** Gotcha. Thank you for  
6 sharing that. So, do you have – other than the  
7 suggestions that you shared with the company, do  
8 you suggest anything else that could help ease us  
9 through this transition period, to try to answer  
10 the questions, if there are any from those  
11 customers, those ratepayers, who are angered,  
12 confused, and frustrated? Do you have any direct  
13 suggestions, other than the ones you made the  
14 company – and let me tell you why I'm asking the  
15 question. I don't want this to be a missed  
16 opportunity for us. Again, the reason we're here  
17 in the first place is because the public trust was  
18 broken, and I don't want 2.0. So how can we work  
19 or what can we, in ORS's opinion, do, despite the  
20 fact – despite where we are now, what can we do now  
21 to ensure that we are completely transparent, that  
22 we hold everyone accountable to what they've said  
23 that they were going to do and ensure that that  
24 happens?

25 **MS. DAWN M. HIPPIE [ORS]:** Those are very good

1 points, Commissioner. At this point, in this  
2 situation, specifically, I think the Commission is  
3 doing what it needs to do to promote transparency  
4 and hold people accountable.

5 You have filed, yesterday, some updated  
6 advertising or tranche-two advertising from the  
7 company. You know, they provided that to you with  
8 dates that that would run. They offered an ex  
9 parte and have offered to schedule that.

10 Definitely, looking at that as an opportunity for  
11 the company to indicate to you how it intends to  
12 rebuild the public trust would be helpful. And  
13 having ex partes like this, and this direct  
14 conversation – many heads are better than just one,  
15 and so getting some of those ideas out on the table  
16 would be helpful.

17 I don't have any, other than bringing the  
18 company to the table and having them discuss what  
19 their marketing approach is, with their expertise.  
20 They've got staffing and marketing expertise that  
21 they've retained, and I think, you know, they can  
22 talk to you about the direction of that campaign.

23 **COMMISSIONER WILLIAMS:** Well, this is my final  
24 question, I believe. Do you know if there was any  
25 communication from the company to ORS, before this

1           \$1000 rebate offer went public?

2           **MS. DAWN M. HIPP [ORS]:** There was no  
3 conversation with me. I know that. We did not  
4 have that conversation. I do not believe and it  
5 has not been discussed that anyone in our  
6 organization had that conversation with the  
7 company.

8           **COMMISSIONER WILLIAMS:** Thank you for being  
9 here.

10          **MS. DAWN M. HIPP [ORS]:** Thank you.

11          **CHAIRMAN RANDALL:** Thank you, Commissioner  
12 Williams.

13          I've got – oh, go ahead, Commissioner  
14 Whitfield, and then I've got a question, too.

15          **COMMISSIONER WHITFIELD:** Thank you, Mr.  
16 Chairman.

17          Ms. Hipp, just a few questions for you, a  
18 little bit – a tad of follow-up with Commissioner  
19 Williams. His last question to you, you said there  
20 was no contact from the company to ORS prior to –  
21 talking about Dominion – prior to offering the  
22 \$1000, that you're aware of. And you said, no, not  
23 that you're aware of, correct?

24          **MS. DAWN M. HIPP [ORS]:** That's correct.

25          **COMMISSIONER WHITFIELD:** And you would agree

1           that they started these television ads probably –  
2           let's just say ten months out. Might've been  
3           eleven, might've been nine. Let's just say ten,  
4           but a long period of time, better than three-  
5           quarters of a year, that advertising started.  
6           Early part of 2018, it's fair to say, right?

7                   **MS. DAWN M. HIPP [ORS]:** Correct. I believe  
8           January.

9                   **COMMISSIONER WHITFIELD:** January, okay. So  
10          we're close to – well, over a year, from now. But  
11          as those ads continued to run and continued to run  
12          and as the time moves on, other plans were brought  
13          forward by the company. And did ORS – I'm going to  
14          ask the question in the reverse that Commissioner  
15          Williams just asked you. You didn't get any  
16          contact about offering the \$1000 in advance. Did  
17          ORS have any contact as the company began to roll  
18          out Plan B and Plan B-L and these other plans – as  
19          they rolled out, was there any contact from the  
20          company to ORS to say, "Hey, these new plans, while  
21          they have a lot of different options here, one  
22          thing that's not going to be going forward, in  
23          order to provide long-term relief, is the \$1000  
24          upfront refund is going to go away for the average  
25          user of 1000 kilowatt-hours"? Did – was there any

1 contact from the company about that?

2 MS. DAWN M. HIPP [ORS]: Well, I think our  
3 position was clear. We did not favor the \$1000  
4 upfront refund.

5 COMMISSIONER WHITFIELD: Correct.

6 MS. DAWN M. HIPP [ORS]: And you saw that  
7 through our testimony.

8 COMMISSIONER WHITFIELD: Certainly.

9 MS. DAWN M. HIPP [ORS]: And for reasons that  
10 the manner in which it was proposed created a loan  
11 environment, in which the customer would pay that  
12 back over time with interest. So it was not ORS's  
13 favored position.

14 COMMISSIONER WHITFIELD: In fact, wasn't that  
15 characterized by some satirical type  
16 characterizations, what you're referring to with  
17 the upfront money?

18 MS. DAWN M. HIPP [ORS]: Correct. It  
19 certainly was.

20 As to our conversations with the company about  
21 our disinterest or disfavor of that option and the  
22 reasons why, you know, those conversations about  
23 the Plan B and the Plan B-L were confidential  
24 settlement discussions. And obviously we didn't  
25 reach a settlement agreement, and the company moved

1           those plans in front of the Commission for its  
2           decision, you know, in the proper forum.

3           **COMMISSIONER WHITFIELD:** Certainly, I know you  
4           were – unlike us, you all were part of any would-be  
5           settlement, had you reached a settlement. I get  
6           that, that you couldn't disclose that. But do you  
7           think – or does ORS have an opinion on whether the  
8           company should've changed its ads as these other  
9           plans were rolled out, say, to the public, saying,  
10          "Hey..." I mean, the ads continued to run, right  
11          up to the case, \$1000 refund, but yet these other  
12          plans were out there that did not include that.

13          **MS. DAWN M. HIPP [ORS]:** You know, again, it's  
14          an unregulated entity running these ads to its  
15          customers. So let's keep in mind that the Customer  
16          Benefit Plan, the original plan that had the \$1000  
17          credit, was still in play. And so I'm not  
18          justifying their advertising campaign; that's not  
19          what I'm here to do today. And we certainly didn't  
20          favor the \$1000, so our position on that, any  
21          advertising related to it, is very clear.

22          **COMMISSIONER WHITFIELD:** It certainly was in  
23          play in one of the plans, but as these other plans  
24          were rolled out, I don't recall seeing an ad in the  
25          media, explaining that.



1                   **MS. DAWN M. HIPP [ORS]:** You're correct.

2                   There were no subsequent advertising that indicated  
3                   a secondary plan or a third plan had been rolled  
4                   out. However, there was no indication that the  
5                   original plan that included the \$1000 had been  
6                   retracted.

7                   **COMMISSIONER WHITFIELD:** I want to ask you one  
8                   more kind of specific question, and I'm going to, I  
9                   guess, concur with Commissioner Williams and  
10                  Commissioner Howard. I'm a little bit surprised  
11                  that you've only had 12 calls – seven calls in and  
12                  2018, five calls in 2019, after the case.

13                  Of the seven calls in 2018 – you, personally,  
14                  or certainly ORS personnel, were at the night  
15                  public hearings where members of the public had  
16                  their opportunity to speak.

17                  **MS. DAWN M. HIPP [ORS]:** Correct.

18                  **COMMISSIONER WHITFIELD:** Were any of those  
19                  seven calls identified – and you don't have to say  
20                  a name, but were any of those seven calls  
21                  identified as witnesses who testified in the public  
22                  night hearings?

23                  **MS. DAWN M. HIPP [ORS]:** I don't have those  
24                  records with me. I don't believe so. Certainly,  
25                  in the context of the call record, it didn't

1 indicate that they had attended a public night  
2 hearing. But that doesn't mean that, in the  
3 context of the conversation, they didn't bring that  
4 up. I wasn't in the conversations. It certainly  
5 wasn't part of any e-mail dialogue that went back  
6 and forth, that we would capture in our call  
7 records.

8 **COMMISSIONER WHITFIELD:** And I do recall some  
9 comments of that nature in the night hearings. But  
10 did ORS document, by any chance, in the night  
11 hearing witnesses, how many or who said they  
12 might've been for the \$1000 refund? Of course,  
13 these plans started – particularly the last one  
14 came out late. So, did you – do you have any kind  
15 of tally of that?

16 **MS. DAWN M. HIPP [ORS]:** No. When we're  
17 listening, we kind of listen for trains of  
18 complaints. You know, it was very clear that there  
19 were, you know, public sentiment related to the  
20 \$1000 credit and public sentiment related to the  
21 merger. But we did not track that coming out of  
22 the public hearings.

23 **COMMISSIONER WHITFIELD:** And lastly – and I'm  
24 going to turn it over to Mr. Chairman, but before I  
25 do, I'm going to lastly kind of go where

1 Commissioner Williams was going, also. What do you  
2 think this Commission can do and ORS can do – that  
3 we can do – to help this public mistrust, if you  
4 will, or this misunderstanding? What do you think  
5 we can do, going forward?

6 MS. DAWN M. HIPP [ORS]: I think it's kind of  
7 a two-part question, so I'll break it up into  
8 parts, and I'm going to start with the last part  
9 first – because that's the way that I think. But,  
10 you know, I think this concept of public distrust,  
11 from our perspective, or my perspective, it's not  
12 public distrust with the process that the  
13 Commission is operating. This operation, the  
14 Commission's operations related to these issues,  
15 have been nothing but transparent. Folks have had  
16 opportunities for allowable ex partes. You've  
17 given the public a sufficient and overabundance of  
18 opportunity to participate with you in the process.  
19 So we're not gauging, and from customer contacts  
20 we're certainly not gauging, a distrust with the  
21 Commission's process.

22 So as far as improvements there, you know,  
23 having the company come and provide an ex parte to  
24 answer maybe some of these other questions related  
25 to their plans would be helpful; that's an effort

1           towards transparency.

2           The distrust is fostered by the imprudent acts  
3           of the company. And it will take the company time  
4           to rebuild that trust with their customers, with  
5           the Commission, with the other stakeholders that  
6           work with the company, and they'll have to work  
7           hard at it.

8           **COMMISSIONER WHITFIELD:** Well, thank you for  
9           coming and presenting to us. I hope that, again,  
10          like Commissioner Williams said – we can't request,  
11          but I hope, in the future down the road, you can  
12          report back to us.

13          Thank you. That's all I have, Mr. Chairman.

14          **CHAIRMAN RANDALL:** Thank you.

15          Any other questions, Commissioners.

16          **COMMISSIONER WILLIAMS:** I have one more  
17          follow-up, Mr. Chairman, if –

18          **CHAIRMAN RANDALL:** Yes, sir.

19          **COMMISSIONER WILLIAMS:** So, Ms. Hipp, I wanted  
20          to – well, two things. You are absolutely correct  
21          in your statement that ORS is very clear about its  
22          position on the \$1000 rebate. I thought that was  
23          artfully articulated. In my mind, I'm wondering  
24          how – how is the company going to educate the  
25          public in a meaningful way if they take the

1 position that all three plans were good, or if they  
2 – their words were they were agnostic towards all  
3 three plans; the merger economics worked for all  
4 three plans. How are they going to educate the  
5 public in a manner that is intellectually honest,  
6 if they don't acknowledge some of the pitfalls of  
7 the Customer Benefits Plan?

8 **MS. DAWN M. HIPP [ORS]:** And so, it's a very  
9 good question. I don't think I have an answer for  
10 that. I think that is a wonderful question for the  
11 company. There are definite pitfalls and risks  
12 that the company had to have acknowledged when it  
13 initiated its campaign prior to Commission  
14 approval. And how they assessed those risks and  
15 made the decision to invest in that advertising, I  
16 don't have the answer for that.

17 Certainly, their advertising, since the merger  
18 has been approved, has been one to educate the  
19 population about the benefits of the merger, the  
20 benefit to the customer of the merger. And you're  
21 right; it is absent of the \$1000 rebate/refund  
22 discussion.

23 **COMMISSIONER WILLIAMS:** All right. And the  
24 reason I wanted to highlight that is because I  
25 truly believe, while there are some ratepayers who

1           just want that check – I’m sure there’s some that  
2           just want the check – I truly believe that there  
3           are some, if they understood the differences  
4           between the three plans, they wouldn’t be so quick  
5           to take that check, if it were – if it was  
6           available.

7           **MS. DAWN M. HIPP [ORS]:** Right.

8           **COMMISSIONER WILLIAMS:** I really believe that.  
9           But I don’t know – I lack confidence in whether the  
10          company is going to present the information in that  
11          way, where it’s just a numbers-side-by-side,  
12          apples-to-apples comparison, without ORS’s help.

13          **MS. DAWN M. HIPP [ORS]:** Well, I think, you  
14          know, ORS can offer suggestions, but certainly the  
15          ultimate body to make the company do anything is  
16          going to be this Commission. We can make  
17          suggestions. We try to informally resolve those  
18          issues. The company is here; I’m sure they are  
19          listening to the concerns. They are very valid  
20          concerns.

21          The company has provided the Commission with  
22          some mockups of advertising it intends to use, and  
23          that could be an opportunity to have that  
24          discussion with the company about whether or not  
25          those are sufficient to satisfy that customer

1 education piece. My quick review of them – again,  
2 they were filed late yesterday – is that they hit  
3 the credit issue head-on and then talk about the  
4 benefits of the plan that was approved by the  
5 Commission, ultimately adopted.

6 **COMMISSIONER WILLIAMS:** Based on your dealings  
7 with the company up to this point – and I say  
8 “company” – Dominion, up to this point, in  
9 hindsight, looking at the \$1000 rebate offer if the  
10 merger closed, not detailing that there were  
11 several options on the table that could also allow  
12 the merger to close even if it wasn’t through the  
13 Customer Benefits Plan, looking at the rollout of  
14 their Customer Education Plan thus far, do you feel  
15 that the company is operating in good faith?

16 **MS. DAWN M. HIPPIE [ORS]:** You know, that’s a  
17 real loaded question. You know, I do feel that the  
18 company is used to doing business in other  
19 jurisdictions, with other types of customers. You  
20 know, a customer of electricity is the same  
21 anywhere around, but there are different cultures,  
22 regulatory cultures, that utilities get used to.  
23 And operating in some of the other jurisdictions  
24 may have – the company may have perceived that  
25 South Carolina operates in the same manner. And so

1           it rolled out something that may have worked or  
2           been expected in another jurisdiction, to find out  
3           that Southerners have a bit of hospitality here.  
4           And our jurisdiction doesn't work that way. We're  
5           a cooperative jurisdiction; at least that's been my  
6           15 years of experience.

7           And, so, even coming out of the hearing that  
8           we've recently been in, our goal, our agency goal,  
9           ORS's goal, is to work cooperatively with all of  
10          the stakeholders, and that includes the utility.  
11          So the ruling, you know, that came out at the  
12          Commission, there were positives for ORS. You  
13          know, you didn't adopt some of our positions, which  
14          is perfectly fine. But our end goal is to work  
15          cooperatively with the utility, the Commission, and  
16          the other stakeholders, because ultimately that  
17          ends up to be the best for the customer. I don't  
18          say "capitulate"; I say "cooperate."

19          **COMMISSIONER WILLIAMS:** Thank you.

20          **MS. DAWN M. HIPP [ORS]:** You're welcome.

21          **CHAIRMAN RANDALL:** Commissioner Ervin.

22          **COMMISSIONER ERVIN:** Thank you, Mr. Chairman.

23          I appreciate your being here today, and also  
24          the work that you have done to prepare for today's  
25          hearing. I think it's great to learn that you did



1 meet with the company representatives and made  
2 suggestions, and many of those suggestions were  
3 incorporated into their education plan. So that's  
4 all very positive.

5 And, you know, I understand how some of my  
6 colleagues have been frustrated by this process.  
7 Hindsight is 20/20. I'm sure, had – if Dominion  
8 perhaps had it to do over again, they might've  
9 approached it in a different way, because the,  
10 quote, "\$1000 cash payment" was just not a good  
11 approach because it didn't explain all the details.  
12 And I can foresee if we'd adopted that plan, we'd  
13 be getting calls, "Well, I didn't get \$1000. I  
14 only got \$720. Where's the rest?" You know the  
15 details – and it's hard to capture all the details  
16 in a 30- or 20-second spot on the TV or radio. And  
17 so I think it's probably a good thing that that  
18 initial offer was rejected, because we would have  
19 had a flood of complaints about people not getting  
20 checks or not getting the \$1000, for a number of  
21 reasons. Remember, that was a, quote, "average,"  
22 so assume that half of the people that would get  
23 checks would be less than the \$1000. But more  
24 important to the point is that I think that – we  
25 have to give Dominion some credit for learning

1 along the way, and hearing from the stakeholders  
2 and the regulators. Don't you agree that –

3 **MS. DAWN M. HIPPI [ORS]:** I would agree.

4 **COMMISSIONER ERVIN:** – they did make  
5 adjustments at halftime, so to speak, about their  
6 game plan. And I think, for the most part, we  
7 adopted the best plan available for the ratepayer,  
8 and I think ultimately for the company and all the  
9 stakeholders. And the reason that we adopted the  
10 B-L Plan – would you agree? – that it's ultimately  
11 going to reduce bills for the average residential  
12 customer for a longer period of time, and from the  
13 standpoint of keeping rates low for the longest  
14 period of time for residential ratepayers. It's –  
15 the plan that we adopted does that. Would you  
16 agree with that?

17 **MS. DAWN M. HIPPI [ORS]:** Correct. Of the  
18 three plans you were presented –

19 **COMMISSIONER ERVIN:** Correct.

20 **MS. DAWN M. HIPPI [ORS]:** – by the company,  
21 yes, that does that.

22 **COMMISSIONER ERVIN:** So I think we have to  
23 give them some credit for ultimately getting a plan  
24 before us that does that. And so I think the  
25 challenge now – I mean, what I hear Commissioner

1 Williams and others say is, "How do we educate the  
2 public about the benefits of the plan, as adopted?"  
3 And, clearly, it's not going to be easy to do that.  
4 But I think that if we focus on long-term relief  
5 that's been guaranteed by the plan – we have taken  
6 the whole rate base, which was much higher than the  
7 regional average – some of the highest rates in the  
8 nation, residential customers – and we brought that  
9 average bill down below the region, and near – well  
10 below the national average. So rates have gone  
11 down, if you look comparatively to our regional  
12 states. We're now much more competitive, meaning  
13 people are going to pay lower bills for a longer  
14 period of time, and we're well below the national  
15 average.

16 So that's progress. That is really good news.  
17 And so if we can just get that good news out, I  
18 think people will feel a whole lot better about it.  
19 But I want to thank you all for coming today and  
20 giving us your input, and I'd encourage you to stay  
21 involved in the process, going forward.

22 **MS. DAWN M. HIPP [ORS]:** Thank you.

23 **CHAIRMAN RANDALL:** Thank you.

24 Ms. Hipp, I want to just follow up on one  
25 thing you said earlier. You had talked about your

1 data info request, that the company had filed a  
2 response yesterday and you were going to – ORS was  
3 getting ready to analyze that.

4 MS. DAWN M. HIPP [ORS]: Correct.

5 CHAIRMAN RANDALL: So, how will you  
6 communicate, you know, your conclusions, if any,  
7 based on that response to that request?

8 MS. DAWN M. HIPP [ORS]: Well, our intention  
9 was to ask some of the questions that we felt maybe  
10 the Commission – would interest the Commission  
11 most. And so, in doing that, you know, there are a  
12 couple of options. One is, we'd be glad to turn  
13 over the responses. There really isn't a  
14 synthesizing of the information to reach a  
15 different conclusion. I don't think, just in my  
16 brief time with it – we got it around 5 last night  
17 – my brief time with it, I don't think that there  
18 are any, you know, facts and circumstances that  
19 differ greatly than what we have discussed today.

20 So we'd be glad to provide you with a copy.  
21 We had spoken with the company earlier, you know,  
22 about that item, and they were fine with us turning  
23 that over to the Commission.

24 So if that would be helpful to you, I'll look  
25 to my attorney. You know, we certainly can provide

1           that after.

2           **MR. NELSON:** [Nodding head.]

3           **CHAIRMAN RANDALL:** Great. Thank you. I think  
4           that would be helpful. We look forward to getting  
5           that.

6           **MS. DAWN M. HIPP [ORS]:** Okay.

7           **CHAIRMAN RANDALL:** Thank you, very much.

8           **MS. DAWN M. HIPP [ORS]:** Sure.

9           **CHAIRMAN RANDALL:** Commissioner Whitfield, you  
10          said you had another –

11          **COMMISSIONER WHITFIELD:** Yes, I do. Thank  
12          you, Mr. Chairman.

13          I do have one quick follow-up question for  
14          you, Ms. Hipp. As you know, we can't answer  
15          questions up here and really can't express some of  
16          our thoughts – but some of us have done that today.  
17          And one of the thoughts that we've expressed is our  
18          surprise – it certainly is for me – that you've  
19          only had 12 calls, seven last year and five this  
20          year. And for my two colleagues to my right who  
21          weren't here at the time, just to show you my level  
22          of surprise or level of shock, if you will, Ms.  
23          Hipp, you recall the proposed transmission line  
24          that was going to come in the Upstate of South  
25          Carolina by Duke, and I think you remember we had a

1 night hearing. I think I heard Mr. Scott say, at  
2 the time, it was the largest influx of calls he had  
3 ever had, and we had 900 people at that public  
4 hearing.

5 MS. DAWN M. HIPP [ORS]: I remember it well.

6 COMMISSIONER WHITFIELD: So while we have  
7 expressed our surprise, my question to you is, are  
8 you or is ORS surprised or shocked that you've only  
9 had 12 calls on an issue that affects so many  
10 hundreds of thousands of customers?

11 MS. DAWN M. HIPP [ORS]: We are. We are  
12 surprised. And to take it one step further, kind  
13 of to put it in context: So this was a category  
14 where we tracked exclusively those comments that  
15 talked about the refund or the rebate. We have  
16 another category that is just about the merger,  
17 just in general. You know, we tried to dissect it  
18 a little bit to get the very specific data here.  
19 And that number was low. You know, that number was  
20 definitely – it's definitely under 100. I can't  
21 quite recall what the number is, but it was very  
22 low, so think of the long time period we had worked  
23 on that.

24 So, it was, but I believe part of that is the  
25 robust news coverage that this brought. So our

1 press corps, you know, had a very robust presence.  
2 They provided updates to folks leading up to the  
3 hearing and through the hearing, and those updates  
4 contained information that was developing. And so  
5 I think consumers had gotten, you know, possibly,  
6 some news; they had their questions answered  
7 through other means, whether it was digital or  
8 through the press. And I do acknowledge that I  
9 think there's some fatigue about the topic. I  
10 think the topic was very emotional. It's something  
11 that was very divisive over the last couple of  
12 years. And I think towards the end, folks got  
13 tired.

14 **COMMISSIONER WHITFIELD:** Well, while you're  
15 going to receive 12 calls, would you not agree that  
16 there are a whole lot more than 12 people who need  
17 to be – who might benefit from this Customer  
18 Education Plan that the company is rolling out now?

19 **MS. DAWN M. HIPP [ORS]:** Right, I think in the  
20 statistics, just briefly in what we have seen that  
21 the company provided back to us in their responses,  
22 they track their statistics on customer clicks and  
23 contacts and things, and you'll see an uptick  
24 related to their records. But as to what we have,  
25 it was very low.

1                   **COMMISSIONER WHITFIELD:** Thank you.

2                   That's all, Mr. Chairman.

3                   **CHAIRMAN RANDALL:** Thank you.

4                   Any other questions, Commissioners?

5                   [No response]

6                   Ms. Hipp, thank you for being here and for  
7                   your presentation. Mr. Nelson, thank you for your  
8                   introduction, brief as it was. And Mr. Reagle, we  
9                   thank you for being here, as well.

10                  If there are no other questions,  
11                  Commissioners, we are adjourned. Thank you.

12                  [WHEREUPON, at 2:55 p.m., the proceedings  
13                  in the above-entitled matter were  
14                  adjourned.]

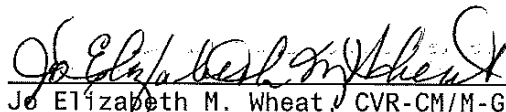
15                  \_\_\_\_\_



C E R T I F I C A T E

I, Jo Elizabeth M. Wheat, CVR-CM-GNSC, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing is, to the best of my skill and ability, a true and correct transcript of all the proceedings had regarding a requested allowable ex parte briefing in the above-captioned matter before the PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA;

IN WITNESS WHEREOF, I have hereunto set my hand and seal, on this the 15<sup>th</sup> day of February, 2019.

  
Jo Elizabeth M. Wheat, CVR-CM/M-GNSC  
Hearings Reporter, PSC/SC  
My Commission Expires: January 27, 2021.